

Council President Robert J. Sylvia, Presiding

Vice President Robert Kempenaar, II

Councillor Paul M. Rodrigues

Councillor M. Theresa Santos

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

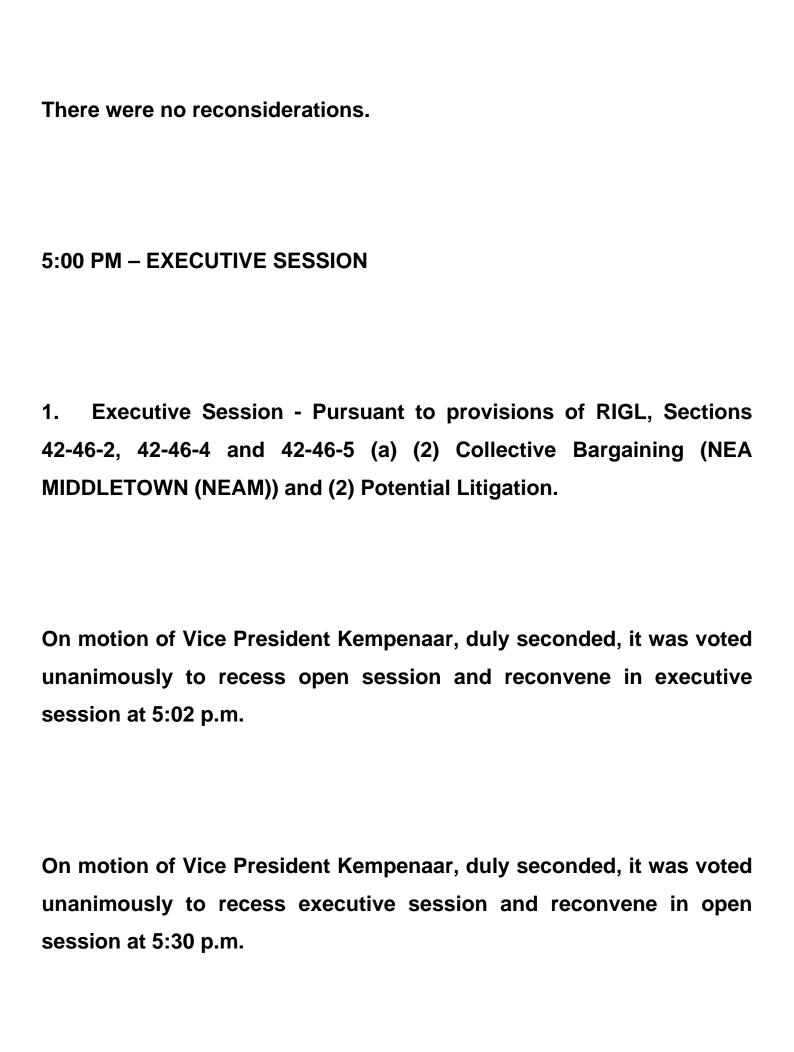
Councillor Henry F. Lombardi, Jr., Absent

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)



On motion of Vice President Kempenaar, duly seconded, it was voted								
unanimously	to	seal	the	executive	session	minutes	pursuant	to
Section 42-46-7. RIGL.								

5:30 PM – STORMWATER PRESENTATION

2. Presentation by Fuss & O'Neill, re: Maidford River Watershed Assessment & BMP Design.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to begin said presentation.

Town Engineer Warren Hall introduced Dean Audett, Vice President, Water Environmental Natural Resources and Kristine Baker representing Fuss and O'Neill.

Dean Audett, Vice President, Water Environmental Natural Resources and Kristine Baker presented a power point presentation of the Maidford River Watershed, Assessment & BMP Design. The power point is on file in the Office of the Town Clerk.

Discussion centered around the Paradise Valley Park BMP design and construction taking two to three days to be installed, locations of the BMP's, water quality and how the BMP's are constructed.

3.

Resolution of the Council, re: Adopting the five recommended BMP's for water quality.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to pass said resolution.

6:00 PM - LEGISLATIVE AGENDA Town's legislative concerns to be addressed at the 2016 session 4. of the General Assembly – with the Town's General Assembly delegation. On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to begin legislative discussion. On motion of Council President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 6:15. On motion of Vice President Kempenaar, duly seconded, it was voted

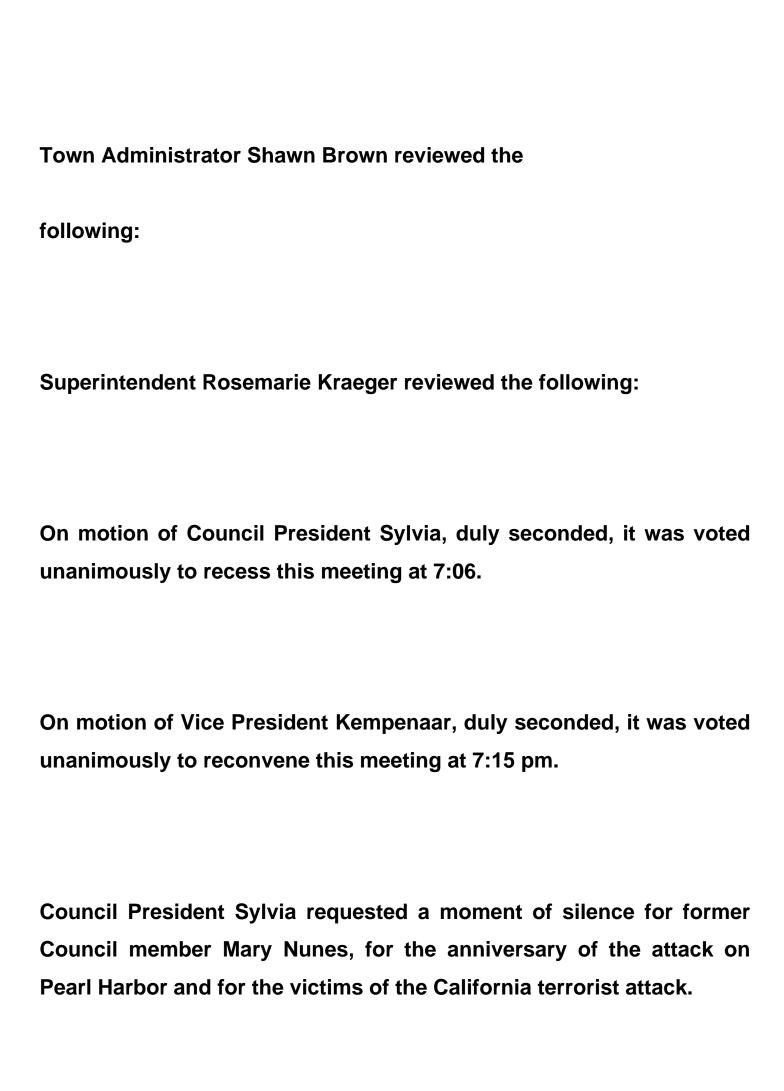
unanimously to reconvene this meeting at 6:18 pm.

Present also were State Senator Louis P. DiPalma, State Representative Deborah Ruggiero and State Representative Daniel Reilly.

Also, present were Town Administrator Shawn Brown, Deputy Town Clerk Karin Clancey, Town Solicitor Peter B. Regan and Susan Schneck, Chair of the Middletown Prevention Coalition.

Present, representing the School Department, were Superintendent Rosemarie Kraeger, School Committee Chair Theresa Spengler, Vice Chair Kellie DiPalma, and members Liana Ferreira Fenton and William O'Connell.

Discussion centered around state spending, changes with the Enterprise zone, the State Budget revenues and spending running ahead, the sponsorship legislation allowing the School Department to allow advertising at the school fields, legislative changes regarding layoff notices to teachers and Housing aid moratorium being lifted.



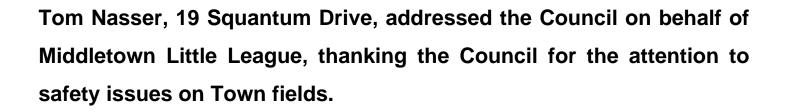
PRESE	ENTATION					
5. Cita	ation of the C	Council, re: S	St. George's	Football	Team.	
unanin	nously to co	President Ke ntinue said it on January 1	tem to the n		·	
Santa (Claus arrived	l at 7:20 pm.				
	il President with a citatio	Sylvia and n, entered	Councillor	Santos	presented	Santa
here:						

Fire Chief Ronald Doire thank the Council for the citation.

PUBLIC FORUM

6. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items discussed during this session will not be voted upon.

Richard Adams, 240 Island Drive, addressed the Council on behalf of the AIPC, updating the Council in regards to Solarize Aquidneck Island. Mr. Adams explained that the program structure and noted the public could attend upcoming meetings in Middletown and Newport for information on Solarize Aquidneck Island.



On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to act as a board of license commission.

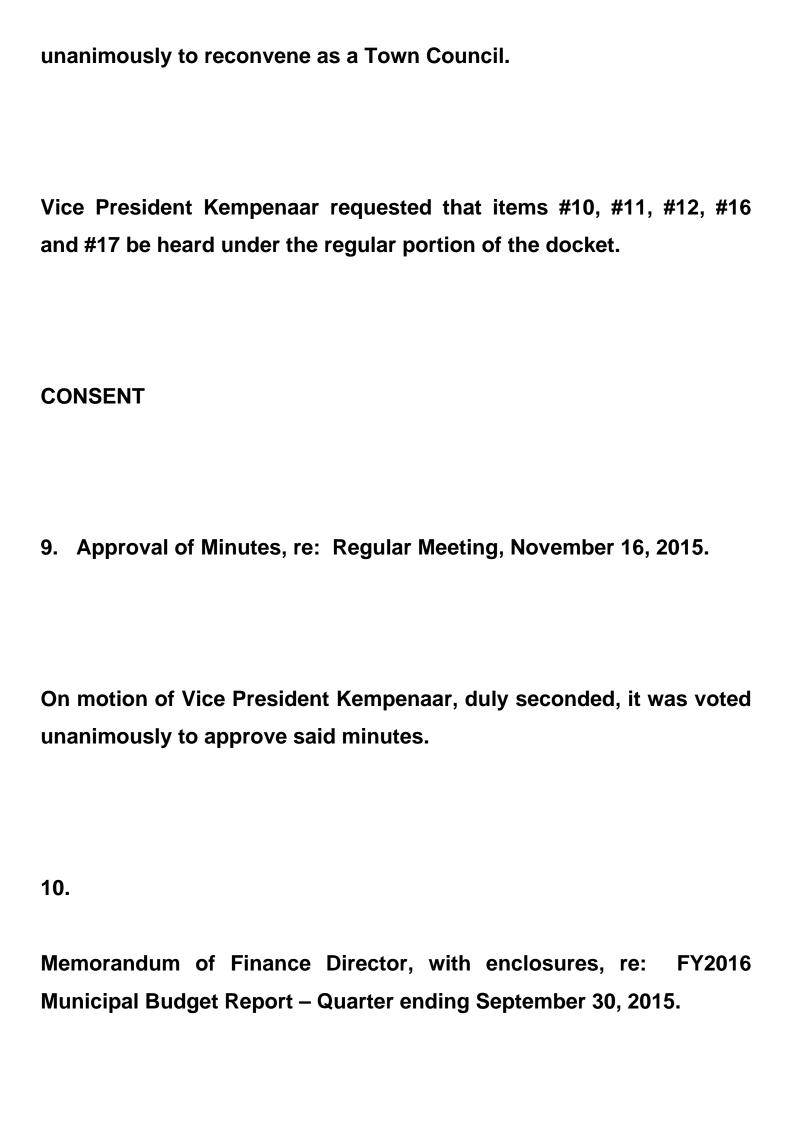
ACTING AS A BOARD OF LICENSE COMMISSION

7. (Public Hearing Advertised)

Application of Blue Plate Diner, Inc. dba Blue Plate Diner, 665 West Main Road, for RENEWAL of a Class BV Liquor license for the 2015-2016 licensing year to be used at the same premises.

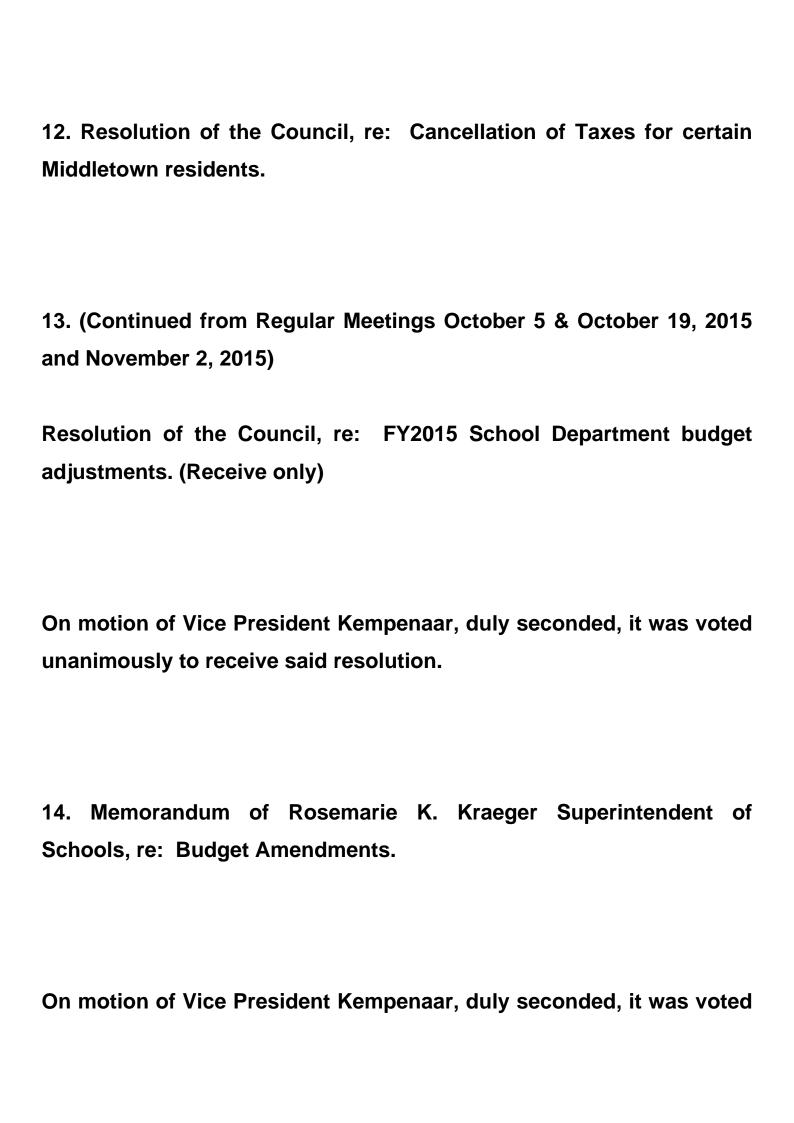
Public Hearing was declared open.

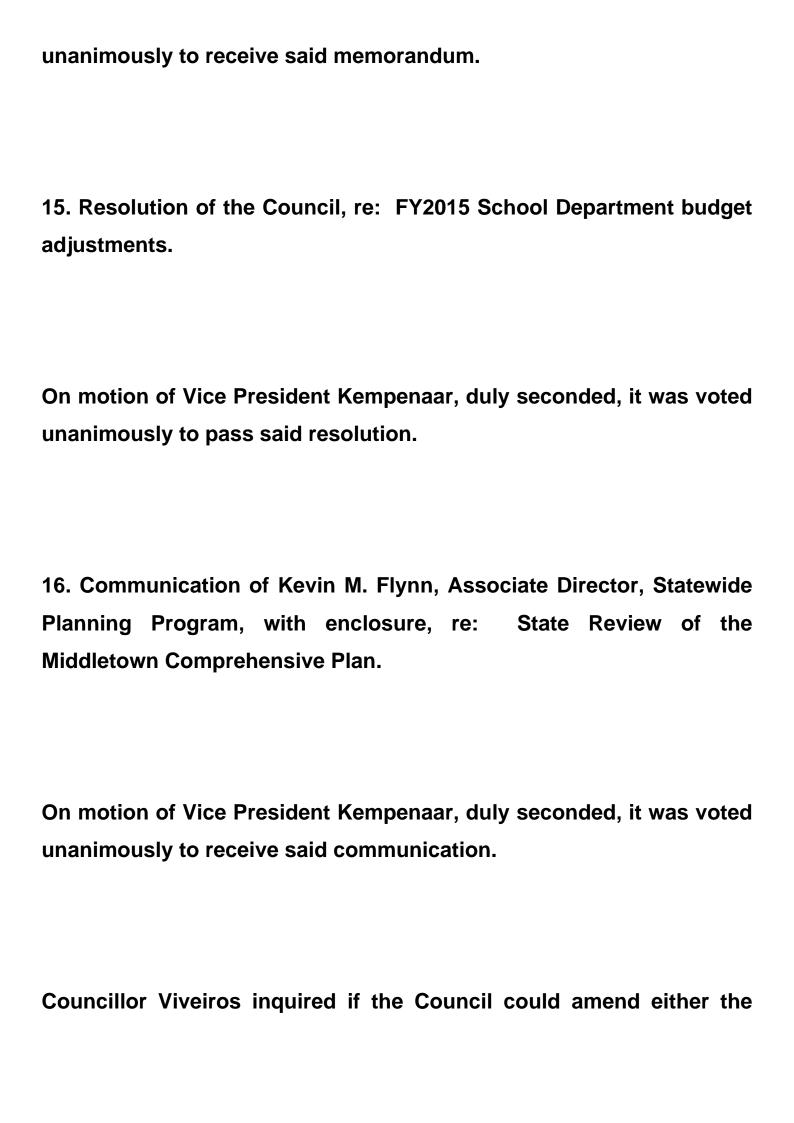
There being no persons present desiring to be heard, public hearing was declared closed.
On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to grant said license renewal.
8.
Communication of Robert Mastin, President, Custom House Coffee, re: Surrender of its BV liquor license.
On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication.
On motion of Vice President Kempenaar, duly seconded, it was voted



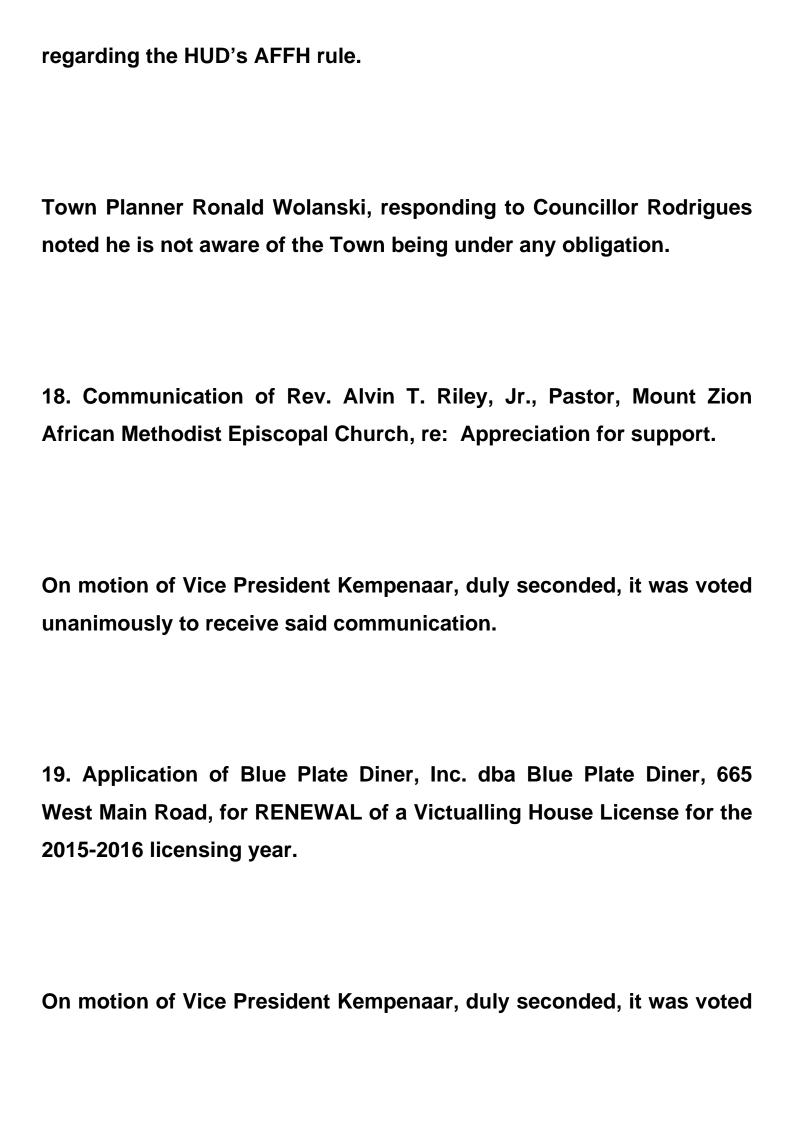
On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said memorandum and report.
Councillor Santos inquired the location of the reserve contingency fund.
Finance Director Lynne Dible, responding to Councillor Santos noted the inquiry can be found on page 2 under expenses.
11. Communication of Tax Assessor, with enclosures, re: Cancellation of Taxes for certain Middletown residents.
On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication.

Councillor Santos inquired the meaning of TA-3 Assessed in Excess?
Town Administrator Shawn Brown, responding to Councillor Santos noted that he will check with the Tax Assessor.
Councillor Santos inquired if the Tax Assessor is a Certified Real Estate Appraiser?
Town Administrator Shawn Brown requested items #11 and #12 be continued to the next meeting of the Council and be heard in Executive Session.
On motion of Council President Sylvia, duly seconded it was voted unanimously to continue items #11 and #12 to the Town Council meeting, January 19, 2016, Executive Session.





Middletown Compressive Community Plan or the Zoning Ordinance?
Town Solicitor Peter B. Regan, responding to Councillor Viveiros explained that the Middletown Comprehensive Community Plan can be amended by the Town Council at least four times per year.
17. Communication of Brian C. Newberry, House of Representatives Minority Leader, re: HUD's AFFH rule – Affirmative Furthering Fair Housing.
On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication.
Councillor Viveiros reviewed the communication above.
Councillor Rodrigues inquired if the Town has any concerns



On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to grant said license.
22. Application of No Nonsense Nutrition dba Rhode Island Nutrition, 883 West Main Road, for a Victualling House License for the 2015-2016 licensing year. (NEW)
On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.
23. Application of Peabody's Beach Enterprise dba Peabody's Beach, 830 Third Beach Road, for a Victualling House License for the 2015-2016 licensing year. (NEW)
On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.

PUBLIC HEARINGS
24. (Public Hearing Advertised)
Application of Speedway, LLC dba Speedway #02822, 864 West Main
Road, for Additional Operating Hours License for the 2015-2016
licensing year. (NEW)
Public Hearing was declared open.
There being no persons present desiring to be heard, public hearing
was declared closed.
On motion of Vice President Kempenaar, duly seconded, it was voted
unanimously to grant said license.

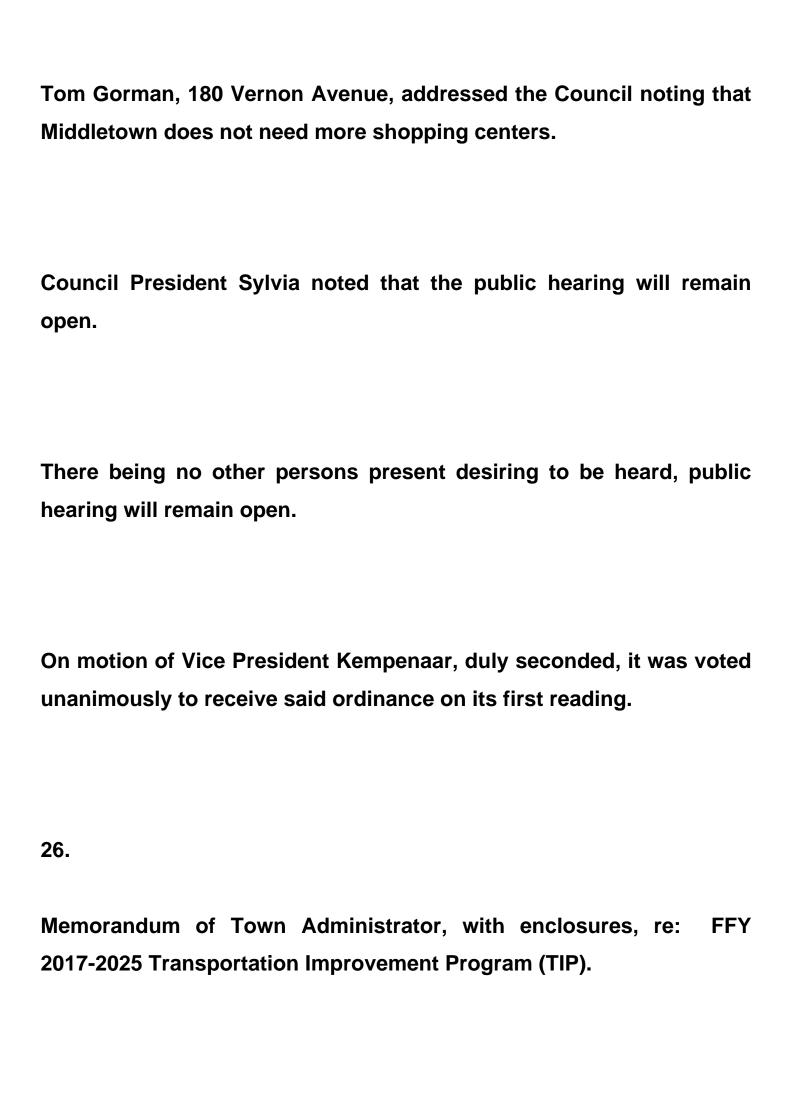
25. (Public Hearing Advertised; Abutters notified)

An Ordinance of the Town of Middletown (First Reading)

An ordinance in Amendment to the Town Code of the Town of Middletown, Title XV, Land Use, A Temporary Moratorium on Construction and Development of Large Scale Shopping Centers & Buildings with Footprints Exceeding 35,000 Square Feet in the General Business and Traffic Sensitive General Business Zoning Districts.

Public Hearing was declared open.

Claudia Gorman, 180 Vernon Avenue, addressed the Council noting support for the moratorium and affordable housing. Ms. Gorman expressed concern with water run off issues, car and truck traffic and the elimination of open space.



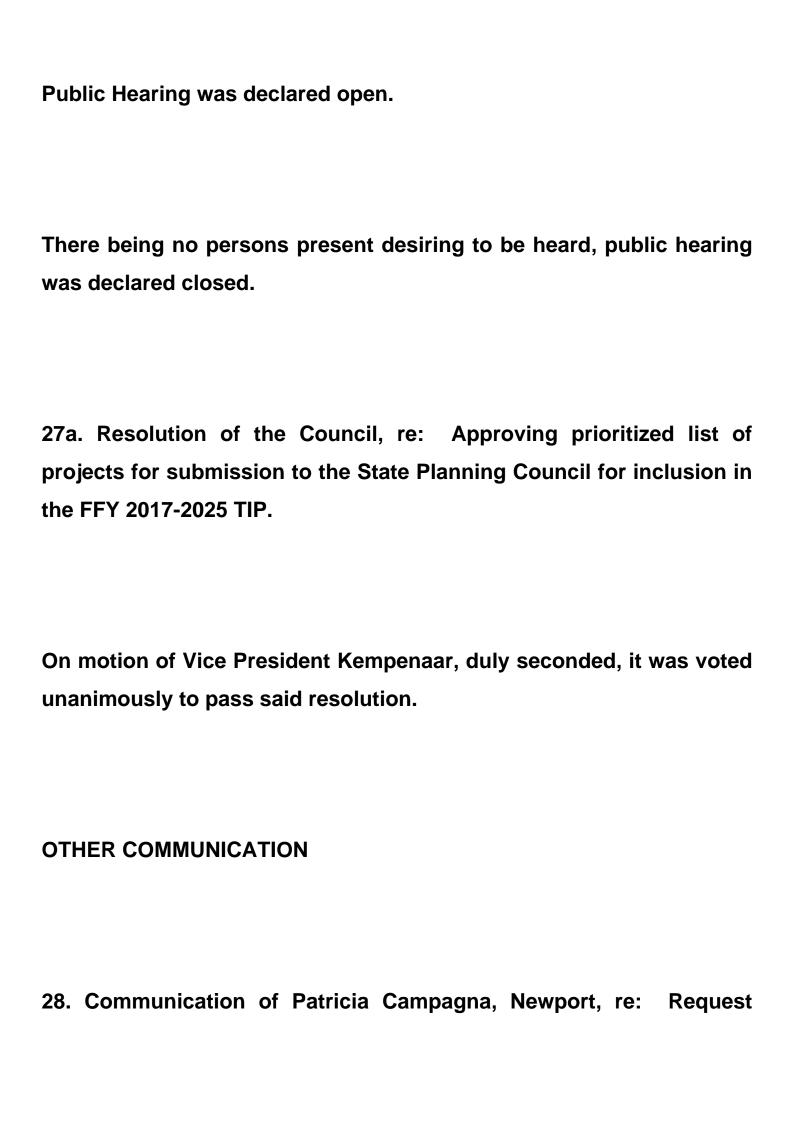
On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said memorandum.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

Discussion centered around that the state working on Transportations Improvement Project from a prioritized list, improvement to the East Main Road, Aquidneck Avenue intersection and sidewalks on Aquidneck Avenue.

27. (Public Hearing Advertised)

Transportation Improvement Program (TIP) - Prioritizing approved Town Projects for the FFY 2017-2025 submission to the State Planning Council.



installation of traffic light at the intersection of Boulevard and Miantonomi Avenue.

Tom Gorman, 180 Vernon Avenue, addressed the Council noting that the intersection of Boulevard and Miantonomi Avenue is very dangerous and a traffic light would be invisible. Mr. Gorman suggests a four way stop at that intersection.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication and refer request to the Police Department and Town Administration for recommendation.

TOWN COUNCIL

29.

Communication of Councillor Viveiros, re: Requirement for both Comprehensive Plan and Zoning Ordinance to limit size of a

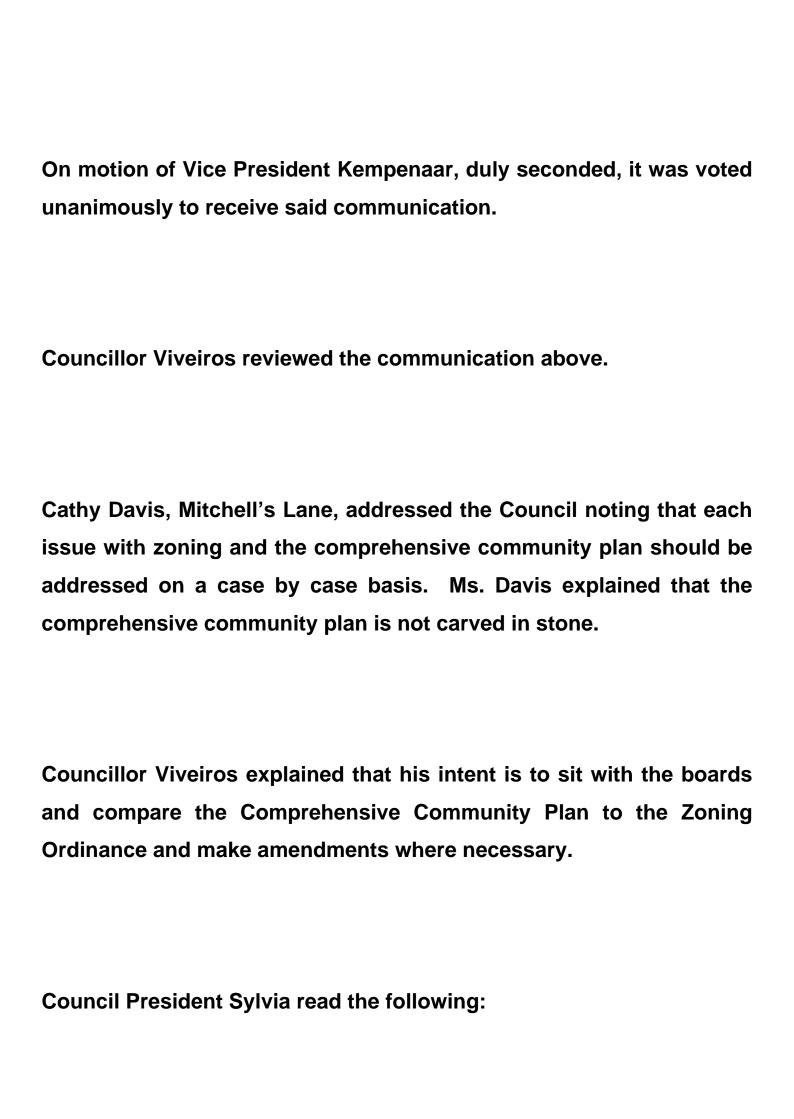
development and the number of, and size of, the building or buildings of the development. (November 2, 2015 – Item was tabled until the Moratorium will be heard)

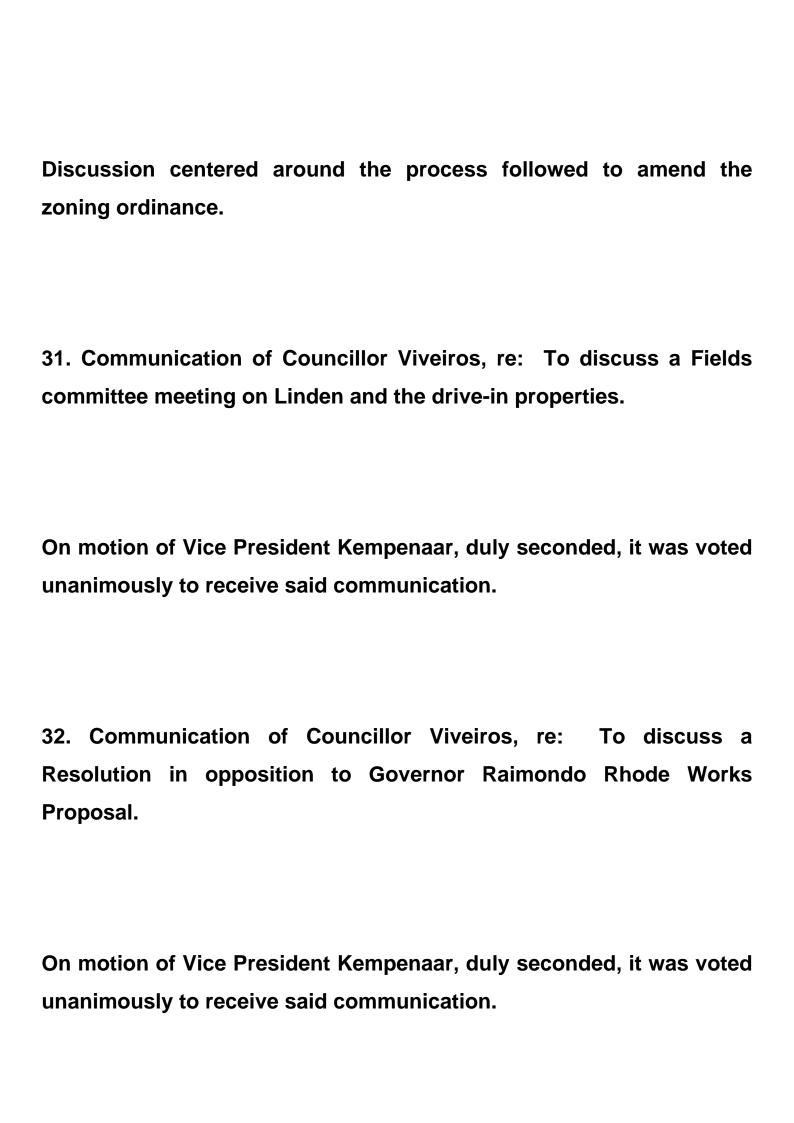
On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication.

Councillor Viveiros reviewed the communication above. Mr. Viveiros noted that restrictions in the prior Comprehensive Community Plan are not included in the current Comprehensive Community Plan.

Town Solicitor Peter B. Regan explained that Middletown Comprehensive Community plan is a board strategic plan and the focus should be on the Zoning code, due to zoning having a direct impact on developments.

30. Communication of Councillor Viveiros, re: To discuss a council, planning board and zoning boards meeting.





Councillor Viveiros noted concern with the Governor's proposal noting that if not enough money is raised by tolls the taxpayers will have to fund.

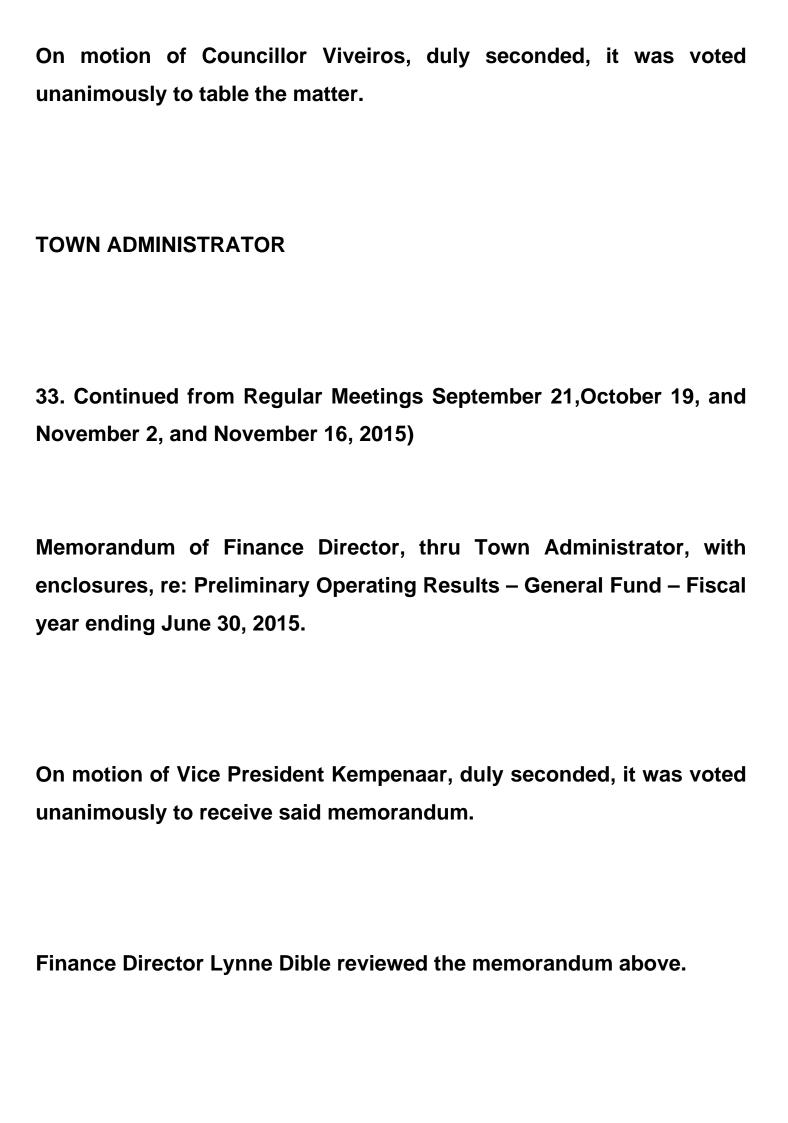
On motion of Councillor Viveiros, duly seconded, it was voted to request the Town Solicitor to draw up a resolution in opposition to the Governor's proposal to toll the trucking industry

Councillor VonVillas noted concern with not having enough knowledge of the proposal.

On motion of Councillor Viveiros, duly seconded, it was voted to table the matter

Council President Sylvia noted he does not have enough information

to vote on the matter.
Councillor Rodrigues noted he does not have enough information to vote on the matter.
A vote was taken on the first motion, entered here:
On motion of Councillor Viveiros, duly seconded, it was voted to request the Town Solicitor to draw up a resolution in opposition to the Governor's proposal to toll the trucking industry, Council President Sylvia, Vice President Kempenaar, Councillor Rodrigues, Councillor VonVillas and Councillor Viveiros voted NO; Councillor Santos voted YES to said motion; MOTION FAILED TO PASS.
At vote was taken on the motion to table, entered here:



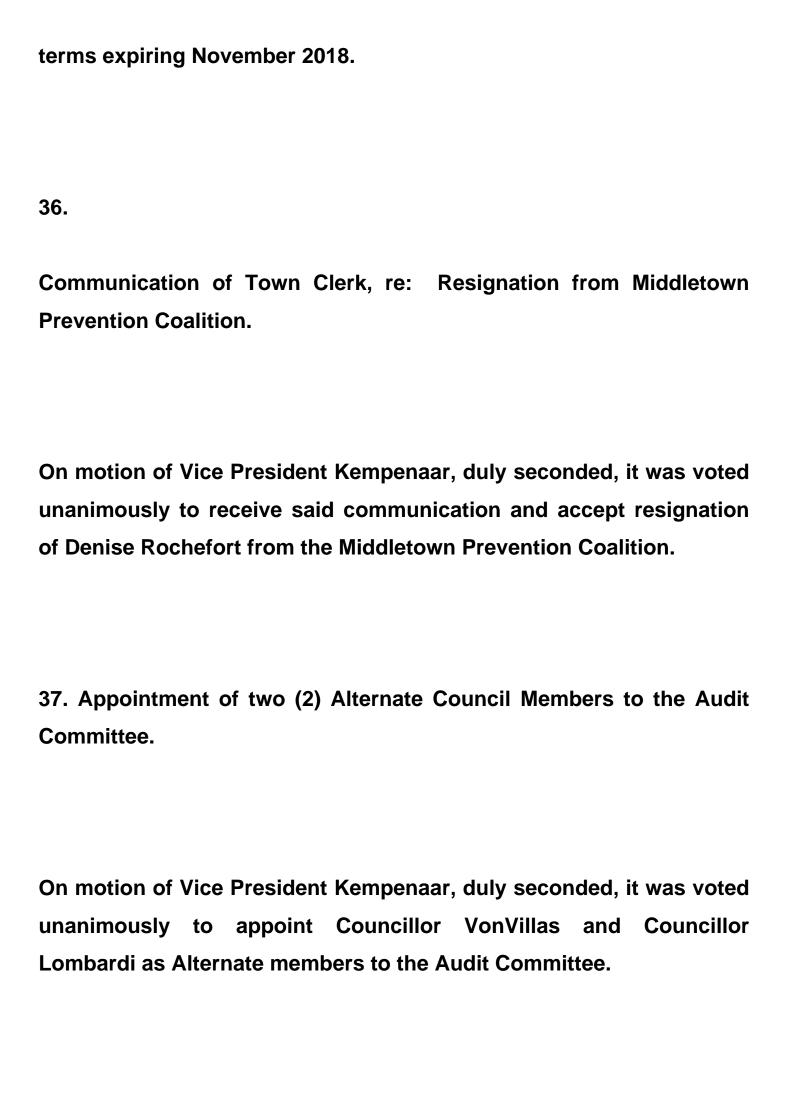
APPOINTMENT TO BOARDS AND COMMITTEES

34. Email communication of Austin Prendergast, re: Resignation from the Open Space and Fields Committee.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said email communication and accept resignation with regret.

35. Appointment of three (3) members to the Open Space and Fields Committee, three terms expiring November 2018 and one (1) term expiring November 2016.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to reappoint Cheryl Boergesson, appoint Allan R. Gray and appoint Sara Poirier to the Open Space and Fields Committee for



Council President Sylvia wished all a safe Holiday season.
On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to adjourn said meeting at 8:50 pm.
Wendy J.W. Marshall, CMC
Town Clerk
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